

P. 1
7725

This may be
preserved, I
think, as the
question
discussed in the
collection
is of the
nature
of a paper
of a book

GENERAL AND REVENUE SECRETARIAT.

1901-02

(S & A)

File No. 43-01

Serial Nos. 1-3

Papers Filed.

Month

SUBJECT.

Directs that the 27 manuscript be filed
for the interim period from the date of
expiry of the lease granted to the permanent
manuscript to the date he assumed charge
of the book

PREVIOUS REFERENCES.

LATER REFERENCES.

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject.

Letter no. $\frac{8251}{250}$ of 10th June from the Registrar of the Chief Court in Mysore, and letter no. $\frac{7604}{2167}$ of 13 June from the Comptroller to the Govt of Mysore.

"Whether the permanent or the acting Munsiff of Chitaldrug should receive pay for the interim period from the ^{date of} expiry of the leave granted to the permanent Munsiff to the date he assumed charge of the Court."

Note.

Mr. B.S. Krishnaswamiengar, Munsiff of Chitaldrug was granted privilege leave for one month and 13 days. (Please see sl. nos 8, 11 & 13.) His leave expired on 22nd March 1902 but he assumed charge of the office only on the forenoon of 26th idem, 23rd to 25th being close public holidays. The question for decision is whether the permanent Munsiff or the Acting Munsiff should get the pay for the interim period viz from 23rd to 25th. The permanent Munsiff claims the pay on the ground that he gave intimation to the Acting Munsiff of his intention to avail himself of the 3 holidays in question and to return to duty on the forenoon of the 26th idem. The Acting Munsiff contends that he was not directed either by the District Judge or the Chief Court to hand over charge and leave the station on 22nd idem. The Chief Judge is

1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

is of opinion that the Permanent Munsiff is entitled to the pay for the period as the only work done by the Acting Munsiff during the period was the disposal of the Tappal which might well have been left for disposal to the permanent Munsiff.

The Comptroller requests to be informed how the interim period should be treated and whether full pay may be allowed to the Permanent Munsiff for the period in question. He adds that pay has been drawn by the Acting Munsiff for the same period.

It is respectfully submitted that art. 157 of the M. S. Regn. covers the present case and provides that if the leave end on a Sunday or gazetted holiday and the officer takes charge before noon on the first working day after such Sunday or holiday, his assumption of office and the rearrangement of appointments and all consequent thereon shall be held to have taken place on the day after that on which his leave ended: Provided that such rearrangement does not involve the transfer of any officer to another station or the loss of his office by an officer appointed temporarily to the Public Service. In cases of difficulty the final decision is left to the discretion of Govt. In the present case, it is submitted, the proviso applies as the Acting Munsiff held no permanent appointment and the rearrangement involves the loss of his office.

Submitted for orders:— *HJ*

Hip
8.9.02

To the Dewar *Hip* 10/9/1902
30/9

Draft accept
this & submit
for app^l to
Dewan
through Com
Clerk.

Hip
24/9

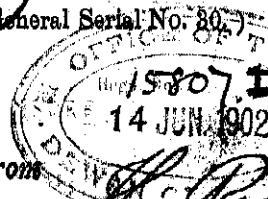
Opt. subd.
Hip
25.9.02

HJ
30.9.02
6360

(25)

PFA - 1865

General Serial No. 807



15807.189/1901-02

14 JUN 1902

From

The Registrar of the
Chief Court, Mysore

To

The Secretary to the
Govt of Mysore

Dated 10 June 1902

Despatched 13 June 1902

Received

Enclosures

General No. 8251

No. 250

Submits for decision
by Government the question
of pay claimed, for the
holidays of the 23rd, 24th & 25th
March 1902, by Mr. Krishna
Saminagar who was on
leave from 23rd March 1902
Saminagar who was ap-
pointed to act for him -

For Bn

Please put in reference

quoted within

APC
17/6/02

Bangalore 10th June 190

From,

V. A. Rajaratna Mood: Esq:
Registrar of the Chief Court
of Mysore

To, H. V. Nanjundayya Esq. M.A., M.L.
Secretary to the Govt. of Mysore
General & Revenue Departments.

Sir,

I have the honor to state that Mr.

B. S. Krishnaswamiengar, Munsiff of
Chitaldroog, was granted ~~leave~~ leave
on half pay from 10th February to 22nd
March 1902 - vide Government notifications

nos. $\frac{13651}{91155}$, $\frac{13983}{91177}$ and $\frac{15849}{91363}$ dated 19th and 24th

February and 22nd March 1902. Mr. N.

Narasimhayyengar was appointed to
act for him under notification no. $\frac{13983}{91177}$

dated 24th February last. The leave granted
to Mr. Krishnaswamiengar expired on
the 22nd March and the 23rd, 24th and 25th
were close holidays. Mr. Krishnaswamiengar
returned to duty and relieved the act-
ing munsiff in the forenoon of 26th March.

Both the permanent and the acting

munsiffs

munshi's claim pay for the three holidays,
the former on the ground that he gave
intimation to the acting munshi of his
intention to avail himself of the 3 holidays
in question and to return to Head Quarters
on the forenoon of the 26th Idem and
the latter on the ground that he had not
been directed by the District Judge or
the Chief Court to hand over charge
and leave the station on the 22nd the
date on which the leave expired. The
only work done during the 3 days in
question by the acting munshi was to
dispose of the *Tappal*, which might well
have been left for disposal by the
permanent munshi after his return.
The Chief Judge is of opinion that the
latter is entitled to the pay in question
but under the latter part of article 157
of the Mysore Service Regulations the
question appears to be one for decision
by Government.

7726
192/10/11

Gen. 30]

From

E. R. SUBRAYER, Esq.,

Comptroller, Mysore Govt.

To

The Secretary to the Govt. of Mysore,

Recd. Seal Dept.

Dated

13

Despatched

19 June

Received

General No.

7604

No.

262

Enclosure

No.

In reply to

SUBJECT.

Requesting to be informed
how the interim period from
the expiry of the B. S. Krishna -
Mannappa's tenure to the date
should be treated

References (to be entered only in the
Dewan's Office).

Adl. Branch

*Please put up the references
with...*

*Recd.
2/6*

Recd 23.6.02

GAZETTED AUDIT DEPARTMENT.

No. ⁷⁶⁰⁴ 262

OFFICE OF THE COMPTROLLER OF MYSORE.

Bangalore, 13th June 1902. 139

From

E. R. SUBRAYER, Esq., B.A.B.C.E.

Comptroller, Mysore Government.

To

H.V.Nanjundayya, Esq., M.A.M.I.
The Secretary to the Govt. of Mysore,

General and Revenue Dept.s

SIR,

I have the honor to state that the privilege leave half pay for 1 month & 11 days granted to Mr.B.S.Krishnasawa Munsiff of Chitaldrug in Govt: Notification No.13651/J1155, 13983/J1177 & 15849/J1363 dated 19th & 24th February & 22nd 1902 expired on the 22nd March 1902 but the Munsiff reported himself for duty on the forenoon of the 26th Idem 23rd to 25 being public Holidays I therefore request to be informed how interim period from the expiry of his leave to the date he assumed charge of the Munsiffs Court should be treated and who full pay may be allowed for that period as pay has been draw the Acting Munsiff Mr.N.Narasimha Iyengar for the same period involving an extra ^{Charge} on Government.

I have the honor to be,

Sir,

Your most obedient servant,

H. Eagles
for Comptroller.
M.

1902.

7737
BRM
7727

Read

Letter no. $\frac{8251}{250}$ of 10th June 1902 from the Registrar Chief Court of Mysore soliciting orders as to whether Mr. B. S. Krishnaswamiengar, Munsiff of Chitaldrug or Mr. N. Narasimhaengar who acted for him during his absence on privilege leave, should receive pay for the interim period from 22nd March 1902 on which the leave of the Munsiff expired to 26th idem on which he assumed charge of his office, under the circumstances, explained.

Refd to 2nd Committee

AD

29/9/02

I agree - I think this is a proper order to pass. We cannot pay both - Q
30/9/02

2. Letter no. $\frac{7604}{2162}$ of 13th June 1902 from the Comptroller & the Govt. of Mysore on the same subject.

Order thereon :- $\frac{57446-5}{2457}$ 9 24/10/52

Mr. B. S. Krishnaswamy
Munsiff of Chitaldrug,
was granted privilege
leave for one month
and 13 days and Mr.
K. Narasimhaengar,
Advocate, Chief Court,
Mysore, acted for him.
The leave of the Munsiff
expired on the 22nd March
1952 but he assumed
charge of his office
only on the 26th idem,
23rd to 25th being close
public holidays. The
Munsiff claims pay
for the interim period
(viz 23rd to 25th idem) on
the ground that he
interviewed the Acting
Munsiff ~~of~~ his intention
to avail himself of the
holidays above referred
to; but the acting

Munsiff contends,
that the pay for the
period is due to him
as he was not ordered
either by the District Judge
or by the Chief Court to
hand over charge and
leave the station.

The Chief Judge is of
opinion that the permanent
Munsiff is entitled to the
pay for the period as
the only work done by
the Acting Munsiff ~~was~~
during ~~the period~~, was
to dispose of the Saffal.
But under ^{the} proviso to
art. 157 of the M.S. Regs.,
the Govt. are pleased
to direct that the Acting
Munsiff be allowed
pay for the interim
period as the rearrangement
involved the loss of his
office ^{to the Public Service} as the Acting
Munsiff - " ~~Munsiff who was~~
appointed temporarily
to

to the public service.

off ^{Hand}
4/60
J. J. ~~Lee~~ Secretary
29/9/1902

und
3. X. 02

The Registrar of the Court
of Algiers

The Council of the
Court of Algiers.